

TENTH DAY

(Monday, January 29, 1951)

The Senate met at 10:30 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

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| Aikin | Lock |
| Ashley | Martin |
| Bell | McDonald |
| Bracewell | Moffett |
| Bullock | Nokes |
| Carney | Parkhouse |
| Carter | Phillips |
| Colson | Russell |
| Corbin | Shofner |
| Fuller | Strauss |
| Hardeman | Tynan |
| Hudson | Vick |
| Kelly of Tarrant | Wagon seller |
| Lane | Weinert |

Absent—Excused

| | |
|-------------------|-------|
| Hazlewood | Moore |
| Kelley of Hidalgo | |

A quorum was announced present.

The Reverend W. H. Townsend, Chaplain, offered the invocation.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, January 25, 1951, was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Hazlewood was granted leave of absence for today on account of important business on motion of Senator Tynan.

Senator Kelley of Hidalgo was granted leave of absence for today on account of important business on motion of Senator Martin.

Senator Moore was granted leave of absence for today on account of important business on motion of Senator Martin.

Message From the House

Hall of the House of Representatives,
Austin, Texas,
January 29, 1951.

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House

to inform the Senate that the House has passed the following:

H. C. R. No. 17, Extending to the Honorable Edward Vernon Rickenbacker an invitation to address a Joint Session of this Legislature at 11:05 a. m. on February 26, 1951.

H. B. No. 138, A bill to be entitled "An Act to amend sub-section 63 of Article 199, Title 8 of the Revised Civil Statutes of Texas, 1925, as amended, so as to re-arrange, change and provide the terms and the time of holding District Court in Val Verde, Terrell, Maverick, Kinney and Edwards Counties, Texas, constituting the Sixty-third Judicial District of Texas; validating and continuing all processes issued or served before this Act takes effect, including writs, recognizances and bonds, and making them returnable to the next term of Court in said counties and Districts as herein fixed; validating the summoning of grand and petit juries under the present law so as to render them available under this Act; providing that Courts in session at effective date of this Act may continue until the next term thereof as herein fixed, and declaring an emergency."

H. B. No. 119, A bill to be entitled "An Act amending Subdivision 7 of Article 1302 of the Revised Civil Statutes of Texas, 1925, so as to provide that private corporations may be created for the encouragement of agriculture and horticulture by associations for the maintenance of public fairs and exhibitions of stock, farm products and implements, equipment of practices used in agriculture or horticulture; and declaring an emergency."

H. C. R. No. 16, Setting aside and appropriating to the Criminal Codes Committee, out of the contingent expense accounts of both the Senate and the House equal amounts of money for the purpose of concluding its labors and submitting to the Legislature its final report.

S. C. R. No. 12, In memory of the Most Reverend C. E. Byrne, Bishop of the Galveston Diocese.

S. C. R. No. 13, In memory of the Honorable E. E. Davis, Dean Emeritus of Arlington State College.

S. C. R. No. 14, In memory of Honorable Jewel P. Lightfoot.

Respectfully submitted,

CLARENCE JONES,
Chief Clerk, House of Representatives.

Senate Bills and Resolutions on First Reading

The following bills and resolutions were introduced, read first time and referred to the committees indicated:

By Senator Weinert:

S. B. No. 98, A bill to be entitled "An Act quitclaiming the title of the State of Texas to 14.83 acres of the Original Outer Town of Gonzales, Gonzales County, Texas, to Henry Christian; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Hudson:

S. B. No. 99, A bill to be entitled "An Act to extend the time for payment of all notes or obligations executed by purchasers of School Land for the unpaid balance of principal due the State thereon which are due or will become due prior to November 1, 1961; amending Article 5326 of the Revised Civil Statutes of Texas, 1925, as amended by Section 3, Chapter 191, House Bill No. 56, Acts of the 47th Legislature, 1941; and declaring an emergency."

To Committee on State Affairs.

By Senator Hudson:

S. B. No. 100, A bill to be entitled "An Act prohibiting any person from walking upon, along, or across, or from driving or riding upon any bicycle or animal-drawn or motor-driven vehicle upon, along, or across any railroad track, team track, bridge, viaduct or trestle, with certain exceptions; and prohibiting any person from entering upon private premises or property owned by a railroad or used for the carrying on of railroad operations, including rolling stock, switching yards, shops, locomotive and car repair yards, store yards and freight yards; and prohibiting any person from tampering with or damaging or destroying any railroad track or appurtenances of any bridge, viaduct, trestle or culvert structure supporting a railroad track or any signal system, telegraph line, telephone line, power line, or signal system maintained as a railroad fa-

cility; providing that the provision prohibiting the walking, driving or entering upon railroad tracks, team tracks, bridges, viaducts, trestles, structures and premises do not apply to employees of railroads or other persons whose proper and lawful duties make it necessary for them to go upon such tracks, structures or premises in order to perform their duties; providing penalties for violation of this act; providing a saving clause; and declaring an emergency."

To Committee on State Highways and Motor Traffic.

By Senators Nokes and Aikin.

S. B. No. 101, A bill to be entitled "An Act directing the Comptroller of Public Accounts on the first day of September, 1951, and the first day of March, 1952, and on each succeeding first day of September and the first day of March thereafter, to determine by any proper method or formula the amount of gasoline used in aircrafts and on which no application for refund of the tax has been made by any person or corporation and against which limitation has run for the period of six months next preceding the dates September 1, 1951, and March 1, 1952, and each six months thereafter; and determining the amount of tax that would have been refunded had claims been filed according to law; and before any monies derived under levies made in Article XVII, Paragraph 1, Page 184, Acts of the Regular Session of the 47th Legislature, are placed in the State Treasury, the Comptroller and the State Treasurer are hereby directed to place the amount determined by the Comptroller herein in the Treasury for the use and benefits of the Aeronautics Commission in the State of Texas; and appropriating the amount determined by the Comptroller for the use and benefits of the Aeronautics Commission and declaring an emergency."

To Committee on State Affairs.

By Senators Aikin and Nokes:

S. B. No. 102, A bill to be entitled "An Act appropriating the sum of Two Million, Forty-eight Thousand, Three Hundred Seven and No/100 (\$2,048,307.00) Dollars per year or so much thereof as may be necessary, for the next biennium beginning September 1, 1951, and ending August 31, 1953, from the General Revenue Fund for the purpose of promoting

public school interests and assisting local districts in the teaching of vocational agriculture, home economics, trades and industries, distributive education, and for the vocational rehabilitation of disabled persons according to Federal laws governing vocational education and rehabilitation, all of which shall be matched by Federal funds; providing for the administration, attaching conditions, regulations, and limitations relative thereto; making various allocations of said appropriations; authorizing aid to schools in accordance with the conditions specified herein; providing all costs of administering funds named in this Act shall be paid out of moneys appropriated in this Act under the authority of the Texas Education Agency; providing for acceptance and disbursement of all Federal moneys as may be made available to the State Board for Vocational Education in accordance with plans acceptable to the Federal Agency charge of such funds; defining the powers of the State Board for Vocational Education; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

To Committee on Finance.

By Senator Bracewell:

S. B. No. 103, A bill to be entitled "An Act amending Chapter 506, Acts of the 45th Legislature, Regular Session, 1937, as amended, defining the term taxing units and providing a method of trial in cases involving such taxing units by adding thereto a new section providing protection to purchasers at void or defective tax foreclosure sales; providing for subrogation to the rights of the taxing units; providing for the right of foreclosure; providing for severability; repealing all laws and parts of laws in conflict herewith to the extent of such conflict; and declaring an emergency."

To Committee on Civil Jurisprudence.

By Senator Kelly of Tarrant:

S. B. No. 104, A bill to be entitled "An Act to amend Section 17 of Article I of Article 666 of the Penal Code of the State of Texas (The Texas Liquor Control Act) by adding a new subsection between Subsections 15 and 16 to be known as Subsection 15a providing that any bona fide common carrier of persons engaged in interstate commerce, upon payment

of an annual license fee, may be authorized to store and transport in company stores liquor in containers of less than one-half ($\frac{1}{2}$) pint for sale by such carrier outside of the State of Texas; and declaring an emergency."

To Committee on Criminal Jurisprudence.

By Senator Aikin:

S. J. R. No. 5, Proposing an Amendment to Article III of the Constitution of the State of Texas, by adopting a new Section to be known as Section 51-b, giving the Legislature the power to provide, under such limitations and restrictions as may be deemed by the Legislature expedient, for assistance to needy individuals, eighteen (18) years of age or older, who are permanently and totally disabled by reason of a mental or physical handicap, who are residents of the State of Texas, except that the individuals who are receiving aid for the permanently and totally disabled may not, during the same period of time, receive Old Age Assistance, Aid to the Needy Blind, or Aid to Dependent Children; providing that the Legislature shall have the authority to accept from the Government of the United States financial aid for the permanently and totally disabled individuals; providing that the amount paid to any individual may not exceed Twenty (\$20) Dollars a month out of State funds; providing anticipatory legislation; providing for the necessary proclamation, publication and election; and providing an appropriation therefor.

To Committee on Constitutional Amendments.

By Senator Kelly of Tarrant:

S. J. R. No. 6, Proposing an amendment to Section 26 of Article IV of the Constitution of the State of Texas authorizing the appointment of Notaries Public for the State at large; requiring bonds; providing for the submission of the proposed amendment to the qualified electors; providing for proclamation and publication by the Governor; and making an appropriation.

To Committee on Constitutional Amendments.

Resolutions Signed

The President signed in the presence of the Senate, after the captions had been read, the following enrolled resolutions:

S. C. R. No. 10, In memory of the Honorable Walter L. Morris.

S. C. R. No. 11, In memory of the Honorable Maco Stewart.

H. C. R. No. 14, Designating the first week in April as "Texas Industrial Week."

House Concurrent Resolution 17

On motion of Senator Ashley, and by unanimous consent, the President laid before the Senate the following resolution:

H. C. R. No. 17, Extending to the Hon. Edward V. Rickenbacker an invitation to address a Joint Session of the Legislature on February 26, 1951.

The resolution was read and was adopted.

Appointment to Standing Committee

The President announced the following addition to Standing Committee:

To Committee on Water Rights, Irrigation and Drainage:
Senator Moffett.

Presentation of Portrait of William H. Stewart

The President announced the hour for the presentation of the portrait of William H. Stewart, as provided for in Senate Resolution 32 of the first Called Session of the Fifty-first Legislature and Senate Resolution 19 of the Regular Session of the Fifty-second Legislature, had arrived and

appointed the following committee to escort Mrs. W. C. Morris, the daughter of Mr. Stewart to the Senate chamber: Senators Bracewell, Tynan, McDonald and Ashley.

The President laid before the Senate and directed the Secretary to read Senate Resolution 32 which provided for the presentation.

The resolution was read.

The President then presented Senator Phillips who introduced Mrs. W. C. Morris. Mrs. Morris, escorted by Senators Bracewell, Tynan, McDonald and Ashley, unveiled the portrait of her father, the Honorable William H. Stewart.

Senator Phillips accepted the portrait on behalf of the State of Texas.

The following relatives and friends were guests of the Senate for the presentation ceremony:

Mrs. W. C. Morris of Houston, Mrs. Maco Stewart, Sr., of Houston, W. Carloss Morris, Jr., of Houston, Mrs. Wilminor Carl of Houston, Mr. and Mrs. Stewart Morris of Houston, Mrs. Mary Waller Bailey of Houston, Mr. and Mrs. Noble Carl of Houston, Wells Stewart, W. Carloss Morris III and Marietta Morris of Houston, Mrs. Minnie Stolz of San Antonio and Mrs. Louise Lawrence of San Antonio.

Adjournment

On motion of Senator Bell, the Senate at 11:15 o'clock a. m. adjourned until 10:30 o'clock a. m. tomorrow.

In Memory of
Wylie F. Altman

Senator Kelly of Tarrant offered the following resolution:

(Senate Resolution 20)

Whereas, God in His Infinite Wisdom, on Thursday, June 15, 1950, in the City of Arlington, called to rest after a six-day illness, the Honorable Wylie F. Altman, and

Whereas, Wylie F. Altman was born in the year 1872 in Searcy, Arkansas, and traveled with his parents at the age of six in a covered wagon to the town of Rolly in Central Texas where they first settled, and

Whereas, He became associated in the mercantile business with his older brother in the towns of Hico and Lorraine, moving to Arlington in the year 1917 where he opened the Altman Ladies Store, and

Whereas, Wylie F. Altman was a lifelong member of the Methodist Church being the Sunday School superintendent of the Arlington First Methodist Church as well as serving as steward for more than forty years, and

Whereas, Wylie F. Altman during all of his long and useful life gave unselfishly of his time and energy to the betterment of the community in which he lived and the State of Texas in general, having served as Mayor of Arlington from the year 1935 to 1947, and

Whereas, He was a member of the Arlington Masonic Lodge No. 438 and had recently been designated as an honorary vice-president of the Texas State Fair Association of Dallas for the year 1950, now therefore be it

Resolved, By the Senate of the State of Texas that this Body acknowledge with regret the loss to the State of Texas which occurred with the passing of Wylie F. Altman, and be it further

Resolved, That copies of this resolution be forwarded to his surviving wife, three daughters and son.

KELLY OF TARRANT.

The resolution was read and was adopted by a rising vote of the Senate.